

Interview Summary

Application No.

10/734,068

Applicant(s)

IRWIN ET AL

Examiner

Joseph F Edell

Art Unit

3636

All participants (applicant, applicant's representative, PTO personnel):

(1) Joseph F Edell.

(3) _____.

(2) M. Girard.

(4) _____.

Date of Interview: 04 January 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant

2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1-69.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Restriction requirement was discussed that resulted in an election of Group II, claims 31-58 and 60-69, appropriate for class 248.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

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Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-30 and 59, drawn to a chair assembly, classified in class 297, subclass 188.01.
- II. Claims 31-58 and 60-69, drawn to an arm assembly, classified in class 248, subclass 284.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions a chair assembly and an arm assembly are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the chair assembly need not have a compensating/link arm that is set to position the primary pivot axis at a distance from the support to permit movement of the respective primary and secondary arms without interference, a single pivot positioned adjacent a head end of and below a patient supporting portion, and a fourth element attached to the third element, and a electronic unit coupled to the terminal segment. The subcombination has separate utility such as an arm assembly coupled to backrest of a dental chair, i.e. not a base of a chair system.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with M. Girard on 04 January 2005 a provisional election was made with traverse to prosecute the invention of Group II, arm assembly, claims 31-58 and 60-69. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-30 and 59 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

A handwritten signature in black ink, appearing to be the initials 'JH' or similar, located at the bottom left of the page.